

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

NATIONAL ROOFING INDUSTRY PENSION PLAN,
JOHN MARTINI and ROBERT DALSIN,
in their capacities as Trustees of the PLAN,

Plaintiffs,

v.

Case No. 05-C-0396

W. J. BUTZEN ROOFING & SHEET METAL, INC.,

Defendant.

ORDER

On July 5, 2005, the plaintiffs filed a motion to find the defendant in contempt of court and to sanction the defendant for failure to comply with the court's June 3, 2005, order. Specifically, the plaintiffs argue that the defendant has not submitted to an audit of its books and records within twenty-one (21) days from the date of the order. (*See* June 3, 2005, order, at 2.) The court denies the plaintiffs' motion without prejudice. The court warns the defendant that it must comply with the court's June 3, 2005, order and submit to an audit within twenty-one (21) days from the date of this order. Failure to comply will result in a sanction of up to \$1,000.

Accordingly,

IT IS ORDERED that the plaintiffs' motion to find the defendant in contempt and for sanctions be and the same is hereby DENIED without prejudice; the defendant must submit to an audit in compliance with the court's June 3, 2005, order within twenty-one (21) days from the date of this order; failure to do so will result in a sanction of up to \$1,000.

Dated at Milwaukee, Wisconsin, this 4th day of August, 2005.

BY THE COURT:

s/J.P. Stadtmueller
J.P. STADTMUELLER
U.S. District Judge